

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

| | | |
|---|---|--------------------------|
| LABORDE PRODUCTS, INC. | * | CIVIL ACTION NO. |
| | * | |
| VERSUS | * | |
| | * | DISTRICT JUDGE: |
| M/V FREEMONT, her engines, boilers, | * | |
| tackle, furniture, apparel, etc., <i>in rem</i>, | * | |
| TOM'S WELDING, INC., <i>in personam</i>, | * | MAGISTRATE JUDGE: |
| and J&J TOWING COMPANY, INC., | * | |
| <i>in personam</i> | * | |

VERIFIED COMPLAINT FOR SEIZURE OF VESSEL TO ENFORCE
A MARITIME LIEN AND FOR WRIT OF ATTACHMENT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, Laborde Products, Inc. ("Laborde"), and for its Complaint against M/V FREEMONT, her engines, boilers, tackle, furniture, apparel, appurtenances, etc., *in rem*, Tom's Welding, Inc., *in personam*, and J&J Towing Company, Inc., *in personam*, and in a cause of action both civil and maritime, with respect represents that:

1.

This Honorable Court has jurisdiction over this Complaint pursuant to 28 U.S.C. § 1333, Rule 9(h) of the Federal Rules of Civil Procedure, Rules B and C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and 46 U.S.C. § 31341, *et seq.*

2.

Venue is proper within this district pursuant to 28 U.S.C. § 1391(b) and (d).

3.

Plaintiff, Laborde Products, Inc., is a domestic company with its principal place of business in Covington, Louisiana.

4.

Defendant vessel, M/V FREEMONT, is a towing vessel, documented and operated under the flag of the United States, VIN No. 566070, and is of 68 gross tons and 46 net tons, is 50.3' in length, 20.4' in breadth with a depth of 7.3', and is now located within the Western District of Louisiana and within the jurisdiction of this Honorable Court.

5.

Defendant, Tom's Welding, Inc. ("Tom's Welding"), upon information and belief, is a Louisiana corporation with a place of business located at 135 Tom's Lane, Buras, LA 70041, and was the owner, operator, charterer and/or manager of one or more vessels engaged in the common carriage of cargo and was, at all times pertinent, the owner, operator, charterer, manager and/or beneficial owner of M/V FREEMONT.

6.

Upon information and belief, Tom's Welding has a duly appointed agent for service of process within the State of Louisiana, Khai Dinh, 135 Tom's Lane, Buras, LA 70041, and does own property situated within the jurisdiction of this Court, namely M/V FREEMONT. Plaintiff Laborde is entitled to and desires the issuance of a writ of attachment against the property of Tom's Welding in whatever hands it may be found.

7.

Defendant, J&J Towing Company, Inc. ("J&J"), upon information and belief, is a Louisiana corporation with a place of business in Morgan City, Louisiana and was the owner,

operator, charterer and/or manager of one or more vessels engaged in the common carriage of cargo and was, at all times pertinent, the owner, operator, charterer, manager and/or beneficial owner of M/V FREEMONT.

8.

Upon information and belief, Defendant J&J has a duly appointed agent for service of process within the State of Louisiana, Jerry Vaughn, 104 Lenny Court, Schriever, LA 70395, and does own property situated within the jurisdiction of this Court, namely M/V FREEMONT. Plaintiff Laborde is entitled to and desires the issuance of a writ of attachment against the property of J&J in whatever hands it may be found.

9.

Plaintiff Laborde has a maritime lien against M/V FREEMONT for necessities and services provided to the vessel in March and April 2013, in the amount of \$30,723.70, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

10.

Defendants, Tom's Welding and J&J, are liable *in personam* for all debts incurred by M/V FREEMONT, *in rem*.

WHEREFORE, Plaintiff, Laborde Products, Inc., prays that:

1. This Verified Complaint be deemed good and sufficient;
2. Process according to the rules and practices of this Honorable Court in causes of admiralty and maritime jurisdiction, particularly Supplemental Admiralty Rules B and C of the Federal Rules of Civil Procedure, issue against M/V FREEMONT, her engines, tackle, furniture, equipment, appurtenances, etc. and all other

property aboard said vessel, *in rem*, and against Defendants, Tom's Welding, Inc. and J&J Towing Company, Inc., *in personam*;

3. The maritime lien of Laborde Products, Inc. be declared a valid and existing maritime lien superior in right and interest to any claim upon the vessel by any other person, firm or corporation;
4. After due proceedings are had, there be judgment rendered in favor of Plaintiff, Laborde Products, Inc., against M/V FREEMONT, *in rem*, and against Tom's Welding, Inc. and J&J Towing Company, Inc., *in personam*, and that said vessel be condemned and sold to satisfy the judgment to be entered in favor of Plaintiff herein in the full amount of its claims, together with interest, costs and attorneys' fees;
5. Plaintiff prays for such other and further relief as in law, justice and equity it may be entitled to receive under the premises.

RESPECTFULLY SUBMITTED:

/s/Jedd S. Malish

DAVID L. CARRIGEE (#3892), T.A.

JEDD S. MALISH (#23846)

BALDWIN HASPEL BURKE & MAYER, LLC

Energy Centre – Suite 3600

1100 Poydras Street

New Orleans, LA 70163

Telephone: (504) 569-2900

Facsimile: (504) 569-2099

Email: dcarrigee@bhbmlaw.com

Email: jmalish@bhbmlaw.com

**Attorneys for Plaintiff,
Laborde Products, Inc.**

PLEASE SERVE:

M/V FREEMONT

Presently located at the Devall Fleet

7985 Intracoastal Park Road

Sulphur, LA 70665

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

LABORDE PRODUCTS, INC.

VERSUS

**M/V FREEMONT, her engines, boilers,
tackle, furniture, apparel, etc., *in rem*,
TOM'S WELDING, INC., *in personam*,
and J&J TOWING COMPANY, INC.,
*in personam***

* **CIVIL ACTION NO.**
*
*
* **DISTRICT JUDGE:**
*
*
* **MAGISTRATE JUDGE:**
*
*

VERIFICATION

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned Notary Public, personally came and appeared:

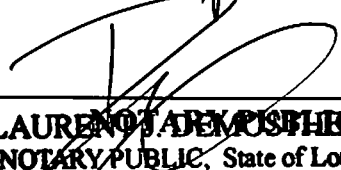
JEDD S. MALISH

who, after being duly sworn, deposed and said that he is counsel of record and attorney-in-fact for Laborde Products, Inc., Plaintiff in the above and foregoing Complaint, and that all of the allegations contained in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


JEDD S. MALISH

Sworn to and subscribed before me

this 22 day of April, 2014.


LAURENCE J. DEMOSTHENIDY
NOTARY PUBLIC, State of Louisiana
La. Bar Roll No. 30473
My Commission is for Life.